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FILED
DISTRICT COURT OF GUAM

AUG 18 2008 *ph*

JEANNE G. QUINATA
Clerk of Court

8
9 IN THE DISTRICT COURT OF GUAM
10 FOR THE TERRITORY OF GUAM

11 CASSANDRA CHAU TRUONG,
Administratrix of the Estate of ROLAND
12 ANTHONY BOUDREAU, deceased,

13 Plaintiff,

14 vs.

15 UNITED STATES OF AMERICA,

16 Defendant.
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CIVIL CASE NO. 06-00022

**DEFENDANT'S EX PARTE MOTION
FOR AN ORDER SHORTENING TIME
FURTHER UNDER RULE 7.1(h)(5);
DECLARATION OF MIKEL W.
SCHWAB**

18 The United States hereby files with the Court an Erratum attaching a signed copy of the
19 Declaration of Mikel W. Schwab.

20 Respectfully submitted this 18th day of August, 2008.
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23 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and CNMI

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25 By:

26 MIKEL W. SCHWAB
Assistant U.S. Attorney
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DECLARATION OF MIKEL W. SCHWAB

I, Mikel W. Schwab, declare upon penalty of perjury that I am competent to testify to the matters contained herein, as follows:

1. I am the attorney for Defendant United States of America in this matter.
2. Defendant is requesting for the Court to shorten time within which to hear Defendant's Motion for Stay to stay this federal case pending the decision on the Motion for Summary Judgment in the Guam Superior Court case, Truong v. AIOI Insurance Company, Ltd., Civ. Case No. CV1082-06. Currently the Motion for an Order Shortening Time is not set for hearing.
3. The federal case is scheduled for trial on September 22, 2008.
4. The date of the trial is fast approaching and both parties need a decision on the Motion to Stay in order to adequately prepare for trial.
5. No meaningful discussion of a universal settlement can take place until the resolution of the Motion in the Superior Court.
6. Defendant's counsel is available for a hearing at the Court's next available hearing date and time.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED: this 15th day of August, 2008.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

BY: _____

MIKEL W. SCHWAB
Assistant U.S. Attorney

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Schwab to:

Dated: August 18, 2008

Marie Chenery
Marie Chenery
Paralegal